

By Mr. Manning of Milton, petition of M. Joseph Manning that provision be made for payment protection to persons furnishing labor or labor and materials on public construction work. State Administration.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Two.

**AN ACT TO PROVIDE PAYMENT PROTECTION TO PERSONS FURNISHING LABOR OR LABOR AND MATERIALS ON PUBLIC CONSTRUCTION WORK.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 39F of chapter 30 of the General Laws, as amended,  
2 is hereby further amended by adding the following: —

3 On all contracts for building construction subject to the  
4 provisions of section forty-four A to forty-four L, inclusive of  
5 chapter one hundred and forty-nine, periodic payments for  
6 work performed by persons, firms, and corporations listed  
7 under paragraph E of the Form for Sub-Bid and furnishing  
8 labor or labor and materials to sub-contractors shall be paid  
9 forthwith after receipt thereof by the sub-contractor less any  
10 amount claimed by the sub-contractor in a letter containing a  
11 breakdown of the claim and sent to the sub-sub-contractor  
12 listed in paragraph E. And provided further, that the awarding  
13 authority and the general contractor shall take all reasonable  
14 steps to compel the sub-contractor to make payments to the  
15 listed sub-sub-contractor as provided in this section; and upon  
16 the written request of the listed sub-sub-contractor setting  
17 forth the amount payable but not paid a copy of which shall  
18 be sent to the sub-contractor and general contractor the award-  
19 ing authority shall make direct payment to such listed sub-sub-  
20 contractor of such amount not paid, out of sums payable to

21 the general contractor, and such direct payment to the listed  
22 sub-sub-contractor shall discharge the obligation of the award-  
23 ing authority to the general contractor and the general contrac-  
24 tor to the sub-contractor to the extent of any such payment.  
25 The awarding authority shall not include in any direct payment  
26 made to a listed sub-sub-contractor pursuant to this section any  
27 amount claimed from that sub-sub-contractor by the sub-con-  
28 tractor in a letter containing a breakdown of the claim and  
29 sent to the awarding authority within ten days after the receipt<sup>e</sup>  
30 by the sub-contractor of the copy of the request of the  
31 sub-sub-contractor to the awarding authority for direct pay-  
32 ment.